

FPPC Regulation and Project Calendar for Calendar Year 2002

Third Quarter/September 2002

A. Campaign/Lobbyist Regulations

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1. Advertising Disclosure -- §§ 84501-84510 (Prop 208)/18402, 18450.3-18450.5: Advertising disclosure rules require disclosure of major contributors. Consideration of three additional regulations (18450, 18450.1 and 18450.2) defining the scope of the disclosure statutes, and to define the terms "advertisement" and "cumulative contributions."	ER Adoption			IP Meeting	Perm Adoption and Pre-Notice		Adoption 18450.1. 18450 and 18450.2 were deferred to date to be set					
2. Paid Spokesperson -- § 84511/18450.11: Prop 34 added § 84511, which requires disclosure of paid spokespersons in ballot measure advertising.	Adoption											

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3. Aggregation of Contributions (18428): Defines "affiliated entities" for reporting purposes. May be further amended to require additional disclosures on the Form 460, and to bring this general provision into harmony with regulation 18419, governing sponsored committees.			Adoption							Pre-notice		Adoption
4. Annual Technical Clean up: Changes to regulations that result from staff's annual review for technical and other minor changes (including amendment to Reg. 18401 and 18451).						Pre-notice		Adoption				
5. CalPERS' Reporting (Reg. 18452): § 84225 requires candidates for the Board of Directors of CalPERS to file certain campaign statements. CalPERS has prepared an election schedule that provides for runoff elections, requiring amendment of Reg. 18452.						Pre-Notice		Adoption				

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6. Cost of Living Adjustment to Contribution and Expenditure Limits; (§ 83124): Formula for adjustments to be used in all future adjustments. The actual adjustment for 2003 will occur in November.						Pre-notice		Adoption				
7. Cost of Living Adjustment to Contribution and Expenditure Limits; (§ 83124). The Commission must adjust the contribution and voluntary expenditure limits in §§ 85301, 85302, 85303, and 85400 effective January 2003.						Pre-notice					Adoption	
8. Cost of Living Adjustment to Gift Limits (§ 89503): The Commission must adjust the gift limits in 89503 effective January 1, 2003.									Pre-notice		Adoption	
9. "Independent Expenditure" (Reg. 18225.7 & 18225.8) § 82031, defines "independent expenditure." Currently, no regulation clarifying the "independent" v. "coordinated" test exists.				IP Meeting			Pre-notice	<u>IP Meeting</u>	Adoption			

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10. Lobbyist Contributions (§ 85702/18572): The section prohibits contributions by a lobbyist to elected state officers or candidates for elected state office if the lobbyist is registered to lobby the agency of the recipient, or the agency to which the candidate seeks election. Deals with a lobbyist making a contribution.			ER-Adoption		Perm. Adoption							
11. Lobbyist Contributions (§ 85702/18572.2): The section prohibits contributions by a lobbyist to elected state officers or candidates for elected state office if the lobbyist is registered to lobby the agency of the recipient, or the agency to which the candidate seeks election. Deals with the standards applicable to the ban on acceptance of contributions.						Pre-notice or ER Adoption	Perm. Adoption					

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12. Lobbyists: Public Utilities Commission (AB 1325/Reg. 18239, 18615, & 18616): Modifies the definition of payments to influence legislative/ administrative action to include payments for the purpose of influencing a ratemaking or quasi-legislative proceeding before the PUC.		IP Meeting	Pre-notice		Adoption							
13. Member communications -- §§ 85312, 85205: Scope and definition of terms. Political Party Definition (§ 85303): § 85303 provides a higher contribution limit for political party committees. Criteria for determining when a contribution falls within this section may be required. The political party and membership communication issues have been merged based on the overlap between the two projects.	Issue Paper		Pre-Notice					Pre-Notice or ER Adoption Perm Adoption	Consider Petition to Amend filed by AFL-CIO	[ER Adoption]		[Perm Adoption]
14. One Bank Account and Carry over. (§§ 85200, 85201, 85317/18537.1, 18520, 18521,18523, 18523.1). One bank account rule issues.			Second Adoption									

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15. Personal Loans (§ 85307/18530.8): § 85307 prohibits a candidate for elective state office from personally loaning to his or her campaign an amount, the outstanding balance of which exceeds \$100,000.	Adoption											
16. Proposition 34 Update, Review of Recordkeeping: Reg. 18401 sets forth recordkeeping guidelines. Proposition 34 changed the law regarding elections which require the review and possible amendment to Reg. 18401.					Update							
17. 85402(a); Reg. 18543. The regulation determines the impact of personal contributions in excess of expenditure limits during a primary election on his or her opponents.	Adoption											
18. Committee Termination (§ 84214) Reg. 18404.1. Implements Administrative Termination.	Second Adoption											

Jan. Feb. Mar. April May June July Aug. Sept. Oct. Nov. Dec.

19 Amendment to Reg. 18539.2 (§ 85310). The Commission will consider whether to require additional information to the electronic report.							Pre-Notice		Adoption			
20. <u>Emergency Reg. 18535 - Restrictions on Contributions between State Candidates.</u> The proposed emergency regulation seeks to clarify questions that have arisen concerning the interpretation of § 85305, which limits contributions between state candidates.								ER Adoption		Perm Adoption		
[21. <u>Reg. 18116 and Late Contribution Reports.</u> Reg. 18116 provides that when reports are due on a Saturday, Sunday, or a state holiday, the deadline is changed to the next working day, <i>except</i> for late contribution and late independent expenditure reports. The Commission has been asked to consider application of the weekend extension to these reports as well.]										[Pre-Notice]		[Adoption]

B. Conflict of Interest

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1. Business Entity Materiality Standards -- Reg. 18705.1: Reg. 18705.1 sets forth the materiality standards applicable to business entities. The regulation uses the listing criteria for stock exchanges as alternate criteria for applying the materiality standards. However, officials have found it difficult to use them.							IP Meeting		Pre-notice		Adoption	
2. General Plans and Conflict of Interest: The Commission will consider whether clarifying amendments to the materiality regulations applicable to general plans are necessary.							IP Meeting		Pre- notice		Adoption <u>Pre-</u> <u>Notice</u>	
3. <i>In re Siegel</i> . Discussion of new regulatory factors defining when a nonprofit entity will be considered a local government agency. The current rule exists only in the Opinion and has not been codified.							IP Meeting					

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4. Small Jurisdictions Public Generally -- Reg. 18707.3: Reg. 18707.3 provides an exception geared specifically toward small jurisdictions. Staff has been asked to review the regulation to see if language can be tailored to meet this unique concern of small cities.							IP Meeting		Pre-notice		Adoption	
5. Property "Subject of" a Decision: Reg. 18704.2 sets out a list of situations in which an official's property is considered directly involved in a decision. The Commission has been asked whether this list is an exclusive list even in applying the indirect rule for materiality (i.e., where an official's real property is within 500 feet of the property that is the subject of a decision).							IP Meeting		Pre-notice		Adoption	
6. Appointed Boards and Commissions: Reg. 18707.4 permits officials to represent certain constituencies, which they are expressly appointed to represent, so long as certain conditions are met. The Commission may update this regulation.			IP Meeting	Pre-notice		Adoption						

C. 2002 Planning Objectives

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1. Enforcement policy review				Policy Discussion					Policy Discussion			
1A. Selection of Local Candidates and Controlled Committees for Audit: Reg. 18991 dictates the procedure that shall be followed by the Commission for selecting local candidates and their controlled committees for audit by the Franchise Tax Board. The Commission may wish to amend the regulation to improve the method of selection.										Pre-notice		Adoption
2. Conflict of interest codes/statements of economic interests.	Present Over-view			Project			Project			Project		

D. Other Miscellaneous Items

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1. Quarterly review of work plan and plan updates, including Proposition 34.			Work Plan Revision			Work Plan Revision			Work Plan Revision	2003 Reg. Calendar		2003 Reg. Calendar